

# Exhibit 13

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

----- x

JOHN BRADLEY,  
Plaintiff,  
v.

Civil Action

No. 1:13-cv-12927-RGS

TIMOTHY J. CRUZ (Individually),  
MICHAEL HORAN (Individually),  
FRANK J. MIDDLETON (Individually),  
And OFFICE OF THE DISTRICT  
ATTORNEY FOR PLYMOUTH COUNTY,  
Defendants.

----- x

CONTINUED DEPOSITION of TIMOTHY CRUZ, a  
witness called by counsel for the Plaintiff, taken  
pursuant to the Federal Rules of Civil Procedure  
before Julie A. Mercier, Registered Professional  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the offices of  
Sinsheimer & Associates, 92 State Street, 9th  
Floor, Boston, Massachusetts, on Monday, August 3,  
2015, commencing at 12:25 p.m.

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1 APPEARANCES:

3 SINSHEIMER & ASSOCIATES

4 By Robert S. Sinsheimer, Esq.  
5 By Wesley Stoker, Esq.  
6 92 State Street, 9th Floor  
7 Boston, Massachusetts 02109  
8 (617) 722-9954  
9 For the Plaintiff.

11 MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC

12 By Bret A. Cohen, Esq.  
13 One Financial Center  
14 Boston, Massachusetts 02111  
15 (617) 542-6000  
16 For the Defendants.

18 ALSO PRESENT: John Bradley

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1 PROCEEDINGS  
2 TIMOTHY CRUZ,

4 a witness called for examination by counsel for  
5 the Plaintiff, being satisfactorily identified by  
6 the production of his driver's license, being  
7 first duly sworn, was examined and testified as  
8 follows:

10 DIRECT EXAMINATION

11 BY MR. SINSHEIMER:

12 Q. State your full name, please.

13 A. Timothy J. Cruz.

14 Q. Mr. Cruz, you're aware, of course, that  
15 this is the continuation of a deposition you  
16 commenced on March 25, 2015?

17 A. Yes.

18 Q. You're represented by Mr. Cohen?

19 A. Yes.

20 MR. SINSHEIMER: Same stipulations,  
21 Mr. Cohen, or continuing stipulations?

22 MR. COHEN: Yes.

23 Q. And, Mr. Cruz, sometime between the  
24 taking of the first day of your deposition on

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1 March 25, 2015 and today, a transcript was made.  
 2 Were you aware of that?  
 3 A. Of my testimony?  
 4 Q. Yes.  
 5 A. Yes.  
 6 Q. Have you read a copy of your  
 7 transcript?  
 8 A. I went through it.  
 9 Q. Did you fill out an errata sheet  
 10 formally?  
 11 A. I did not.  
 12 Q. Is there something, anything at all, in  
 13 your testimony that from memory you would sit here  
 14 today and say, "I made a mistake I want to  
 15 correct"?  
 16 A. Not that I can think of.  
 17 Q. So if I would ask the flip side, you'd  
 18 stand by that testimony upon reflection as your  
 19 positions in this case and your answers to my  
 20 questions --  
 21 A. I believe.  
 22 Q. -- as of March 25, 2015 --  
 23 A. I believe so.  
 24 Q. -- as of today?

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1 A. I believe so.  
 2 Q. One of the things I believe you said  
 3 was that you had determined that you were going to  
 4 terminate Mr. Bradley almost as soon as you  
 5 received this memorandum that we marked at the  
 6 deposition, Exhibit 6. Do you recall that  
 7 testimony?  
 8 A. I believe so.  
 9 Q. Well, is that the truth, that's when  
 10 you decided to terminate John Bradley?  
 11 A. Yeah. Yes.  
 12 Q. And at any time prior to the actual  
 13 termination, did you tell anybody that you've made  
 14 a determination to terminate Mr. Bradley based  
 15 specifically on your receipt of Exhibit 6?  
 16 A. I'm sorry. Could you say that again?  
 17 Q. Sure. Did you tell anybody that you  
 18 decided to fire John Bradley as a result of your  
 19 receipt of that document which is marked  
 20 Exhibit 6?  
 21 MR. COHEN: Objection.  
 22 A. I believe I told Mike Horan.  
 23 Q. When did you tell Mr. Horan?  
 24 A. It would have been the day of the

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1 resignation/termination.  
 2 Q. In other words, the day that Mr. Horan  
 3 went to Mr. Bradley and said, "I'm going to ask  
 4 you to leave," you told Mr. Horan that you'd made  
 5 a determination to terminate John Bradley?  
 6 A. That's -- no.  
 7 Q. My question is really more about the  
 8 document than it is about -- we're going to get  
 9 into the termination itself.  
 10 A. Okay.  
 11 Q. If I understood your testimony last  
 12 time, you got this document?  
 13 A. Yes.  
 14 Q. And you at that point made a decision,  
 15 John is not going to work here anymore?  
 16 A. Yes.  
 17 Q. But the actual termination date was  
 18 almost a year later -- 11 months -- 10 months and  
 19 2 weeks later or so?  
 20 A. Ballpark.  
 21 Q. And my question is, who in that  
 22 intervening period of time, if anyone, did you  
 23 tell that you had decided to terminate John based  
 24 specifically upon your receipt of this e-mail?

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1 A. My wife, I believe.  
 2 Q. Okay. That's fine.  
 3 A. And, I believe, Mike Horan.  
 4 Q. When did you tell Mr. Horan?  
 5 A. I believe it was the day of the  
 6 termination --  
 7 Q. The actual date --  
 8 A. -- September 28th or something like  
 9 that.  
 10 Q. Why don't we jump to that.  
 11 So on September 28, 2012, Mr. Bradley  
 12 was terminated?  
 13 A. Yes.  
 14 Q. And the person that actually  
 15 communicated that to Mr. Bradley was Mr. Horan?  
 16 A. Yes.  
 17 Q. So I gather you had spoken to Mr. Horan  
 18 and instructed him to take that action?  
 19 A. If he didn't resign, yes.  
 20 Q. All right. Tell me what you said to  
 21 Mr. Horan.  
 22 A. Best of my memory is I said, "John had  
 23 agreed to leave, but now the case is over, but if  
 24 he doesn't leave, he can't work here anymore."